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Attorney for Plaintiff,
Darren Gilbert

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**SECOND STIPULATION TO MODIFY SCHEDULING ORDER;
ORDER**

1 **WHEREAS**, the Court originally issued a Scheduling Order in this matter on May 23,
2 2023 (Dkt. 30);

3 **WHEREAS**, following the issuance of the Scheduling Order, the matter was transferred
4 on September 13, 2023 pursuant to Amended Local Rule 120 and reassigned to District Judge
5 Dale A. Drozd and Magistrate Judge Deborah Barnes (Dkt. 42);

6 **WHEREAS**, on September 21, 2023, Plaintiff Darren Gilbert (“Plaintiff”) filed a motion
7 for default judgment against defaulted defendant De Aranjah Inc. dba Valero Grip & Go (“De
8 Aranjah”) (Dkt. 43), which motion was denied without prejudice to its renewal (Dkt. 52), and
9 the motion was later re-filed on January 15, 2024 and is set for hearing on February 23, 2024
10 (Dkt. 54);

11 **WHEREAS**, Plaintiff and the remaining defendant, Gill McHenry Inc. (“Gill McHenry,”)
12 and together with Plaintiff, the “Parties”), wish to conserve Court resources and limit the
13 expenditure of attorney’s fees and costs that will be incurred through fact and expert discovery
14 while awaiting the results of Plaintiff’s motion for default judgment against De Aranjah, which
15 will inform the scope of necessary discovery;

16 **WHEREAS**, for this reason, the Parties previously stipulated to, and the Court granted,
17 a continuance of discovery deadlines and trial (Dkt. 46);

18 **WHEREAS**, the denial and re-filing of Plaintiff’s motion for default judgment against
19 De Aranjah necessitates a further continuance of discovery and dispositive motion deadlines
20 pending the results of the motion;

21 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties,
22 through their respective attorneys of record, that the Scheduling Order be further modified as
23 follows:

	<u>Current Date</u>	<u>New Date</u>
Non-expert discovery cut-off	3/29/2024	5/29/2024
Expert disclosures	4/29/2024	6/12/2024
Rebuttal expert disclosure	5/29/2024	6/26/2024

SECOND STIPULATION TO MODIFY SCHEDULING ORDER;
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1 Expert discovery cut-off 6/28/2024 7/24/2024

2 Dispositive motion filing deadline 8/9/2024 8/23/2024

3
4 All other dates will remain unchanged.

5 **IT IS SO STIPULATED.**

6 Dated: January 23, 2024

7 MOORE LAW FIRM, P.C.

8 /s/ Tanya E. Moore

9 Tanya E. Moore
Attorney for Plaintiff,
Darren Gilbert

10 Dated: January 23, 2024

11 LAW OFFICES OF MAYOL &
BARRINGER, LLP

12 /s/ Nicholas J. Loncarich

13 W. Bart Barringer
Nicholas J. Loncarich
14 Attorneys for Defendant/Cross-Claimant,
Gill McHenry, Inc.

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SECOND STIPULATION TO MODIFY SCHEDULING ORDER;
ORDER

ORDER

Pursuant to the parties' stipulation, **IT IS HEREBY ORDERED** that the Scheduling Order in this matter is modified as follows:

	<u>Current Date</u>	<u>New Date</u>
Non-expert discovery cut-off	3/29/2024	5/29/2024
Expert disclosures	4/29/2024	6/12/2024
Rebuttal expert disclosure	5/29/2024	6/26/2024
Expert discovery cut-off	6/28/2024	7/24/2024
Dispositive motion filing deadline	8/9/2024	8/23/2024

All other dates will remain unchanged.

IT IS SO ORDERED.

DATED: January 25, 2024

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE